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Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine 13 September 2017 to 30 June 2018

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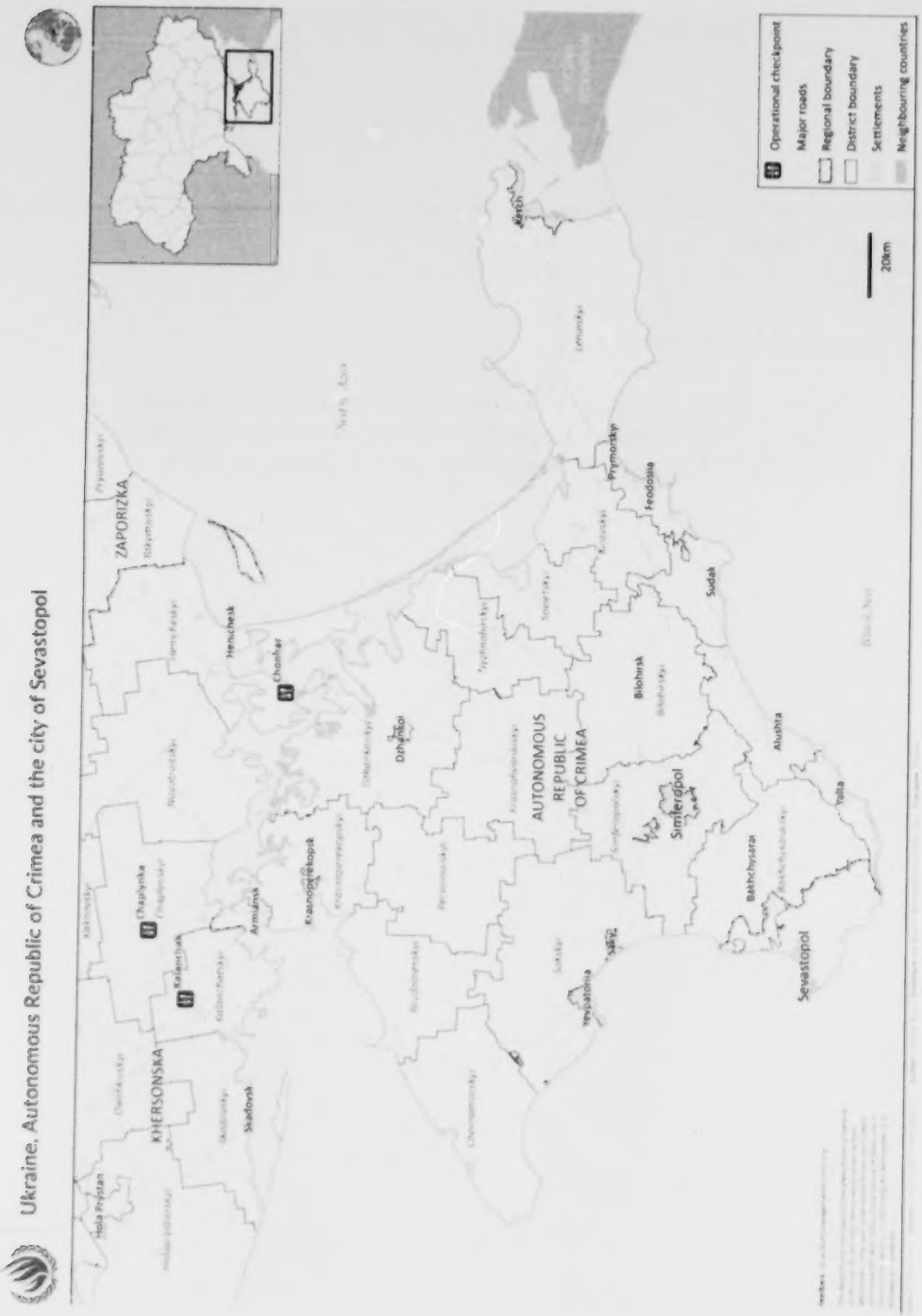
Ukraine, Autonomous Republic of Crimea and the city of Sevastopol
ZAPORIZKA
KHERSONSKA
AUTONOMOUS REPUBLIC OF CRIMEA
Sevastopol
Simferopol
Kerch
Feodosia
Yalta
Alushta
Bakhchysaray
Sudak
Bilohirsk
Prymorskyi
Henichesk
Chonhar
Dzhankoi
Armiansk
Krasnoperekopsk
Chaplynka
Kalanchak
Hola Prystan
Skadovsk
Yevpatoriia
Operational checkpoint
Major roads
Regional boundary
District boundary
Settlements
Neighbouring countries
20km

I. Executive summary

1. The present report is submitted pursuant to United Nations General Assembly resolution 72/190 which requests the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a dedicated thematic report on the "situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine" (hereinafter "Crimea"). This is the second report of OHCHR on Crimea mandated by the General Assembly.[1] This report analyzes cases of international human rights and humanitarian law violations documented in Crimea between 13 September 2017 and 30 June 2018.

2. During the reporting period, OHCHR documented 81 cases involving credible allegations of human rights violations and abuses, which affected 167 victims, including 34 women and 72 members of national minorities. Of the 81 documented cases, 62 occurred during the reporting period.

3. OHCHR findings confirm the continuing failure of the Russian Federation authorities, as the occupying power,[2] to adequately guarantee and protect a wide range of human rights in Crimea. The Russian Federation continued applying its legislation in Crimea, which included holding Russian Federation presidential elections in Crimea on 18 March 2018, contrary to the international humanitarian law obligation to respect the laws of the occupied territory.[3] Systemic problems requiring urgent measures include the absence of impartiality in the administration of justice; restrictions on the exercise of fundamental freedoms, including actions to prevent or suppress criticism and dissent; and a general lack of accountability for human rights violations committed by state agents. Crimean Tatars continued to be disproportionately affected by police raids and prosecuted under terrorism and extremism-related offences in proceedings falling short of human rights standards. From 1 January 2017 to 30 June 2018, 86 per cent of the 95 property searches or raids documented by OHCHR affected Crimean Tatars, indicating a pattern that suggests intent in targeting the group.

4. According to information collected by OHCHR, due process and fair trial rights of 94 individuals were violated by state agents of the Russian Federation in Crimea, including judges, prosecutors, investigators, the Federal Security Service of the Russian Federation ("FSB") and police. Several convictions sanctioned political dissent and appeared to be designed to serve as warnings to others.

5. Prohibited practices, notably torture by electrocution and sexual violence, have been used, allegedly by state agents, against people in detention or in the time between their *de facto* deprivation of liberty and formal placement in detention. In seven cases, victims were ill-treated and sometimes tortured as punishment or to extort "confessions".

6. Among documented cases, 19 arbitrary arrests and detentions and four enforced disappearances occurred during the reporting period. In addition, in 11 cases of enforced disappearances, which occurred prior to the reporting period, the victims are still missing as of 30 June 2018. The Russian Federation authorities often either refused to register a case, or suspended previously initiated investigations. To date, no perpetrators have been brought to justice.

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[1] The first report of OHCHR on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) was issued pursuant to General Assembly resolution 71/205 and covered the period from 22 February 2014 to 12 September 2017. Available at http://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf ("OHCHR first Crimea thematic report").

[2] The main international instruments defining the obligations of an occupying power are the Regulations Respecting the Laws and Customs of War on Land, annexed to the Fourth Convention Respecting the Laws of War on Land signed in The Hague on 18 October 1907 ("Hague Regulations") and the Fourth Convention Relative to the Protection of Civilian Persons in Time of War signed in Geneva on 12 August 1949 ("Geneva Convention IV").

[3] Article 43, Hague Regulations; article 64, Geneva Convention IV.

7. The absence or lack of effective investigations cuts across all violations. Failure to ensure accountability creates a climate of impunity and denies victims access to justice and remedy.

8. The report raises allegations of violations of fundamental freedoms, including freedoms of peaceful assembly, expression, association, religion and movement. Peaceful assemblies, including single-person pickets, were prohibited or sanctioned. "Unauthorized" assemblies were repressed and their participants prosecuted. Three individuals calling for the return of Crimea under Ukrainian jurisdiction were sentenced to suspended prison terms. Courts imposed sanctions for posting or saving online content deemed "extremist". OHCHR documented continued interference in journalistic activity. Despite an April 2017 Order by the International Court of Justice ("ICJ") requiring that the Russian Federation refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, the Mejlis, a traditional organization of the Crimean Tatar people, is still banned in Crimea.

9. As of 30 June 2018, the number of registered religious organizations in Crimea was down by 45 per cent in comparison with the pre-occupation period. Movement across the Administrative Boundary Line (ABL) diminished by 35 per cent between 2015 and 2017, in large part due to the severing of economic and trade links between mainland Ukraine and Crimea. Fear of arrest also created apprehension to cross the ABL, effectively impeding freedom of movement.

10. In violation of international humanitarian law, 12,000 men from Crimea have been conscripted into the Russian Federation army since 2015, and Ukrainian citizens have been forcibly transferred to the Russian Federation or deported to mainland Ukraine.

11. The right to property continued to be violated through arbitrary court-ordered confiscations. On the other hand, the authorities in Crimea have supported the right to housing of formerly deported people through land plot allocations.

12. According to the Russian Federation statistics, in 2017/2018, the number of children educated in the Ukrainian language declined by 14 per cent in comparison with the previous academic year. Assimilation in a predominantly Russian-speaking environment and various deterring factors explain this persistent decline. According to the Russian Federation statistics, the use of Crimean Tatar in public education has remained stable.

13. The situation of drug-users has been aggravated by the absence of a viable alternative to opioid substitution therapy (OST), which was banned following Crimea's occupation and imposition of the laws of the Russian Federation. This has had wide public health ramifications linked, notably, to the spread of sexually-transmitted diseases such as HIV-AIDS.

14. Ukraine has a continuing obligation to use all the legal and diplomatic means available to ensure respect for human rights in relation to the population of Crimea. Persons originating from Crimea, including displaced persons, enjoyed limited access to public services in mainland Ukraine, in particular banking services, civil registration and identification documents. This is rooted in discriminatory Ukrainian legal provisions, arbitrary application of legislation and, occasionally, prejudiced attitudes towards persons originating from Crimea.

II. Mandate and Methodology

15. General Assembly resolutions 68/262, 71/205 and 72/190 prescribe that Crimea is a territory of Ukraine under the temporary occupation of the Russian Federation. The Russian Federation in Crimea is bound by international instruments defining the obligations of an occupying power,[4] as well as international human rights law. Resolution 72/190 of 19

[4] According to article 4 of Geneva Convention IV, protected persons are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

December 2017 also invites the United Nations Secretary General "to seek ways and means" to ensure access for human rights monitoring mechanisms to Crimea and urges the Russian Federation to ensure "proper and unimpeded access" of international and non-governmental human rights organizations to Crimea.

16. On 6 March 2018, to implement resolution 72/190 and collect information for the report mandated by the General Assembly, OHCHR transmitted a note verbale to the Permanent Mission of the Russian Federation, referring to the relevant General Assembly resolutions and indicating the intention to conduct a mission in Crimea in April 2018. On 15 March 2018, the Permanent Mission of the Russian Federation responded that the Russian Federation did not "recognize or consider itself bound" by the aforementioned resolutions and was willing to host missions undertaken "in full compliance with the procedures applied for visiting the territory of the Russian Federation."

17. Given those conditions, OHCHR was not in a position to conduct a mission to Crimea in line with resolutions 68/262, 71/205 and 72/190. Therefore, the report is based on remote monitoring conducted by the Human Rights Monitoring Mission in Ukraine (hereinafter "HRMMU") from its offices in mainland Ukraine, and regular fact-finding missions in Ukraine. During the reporting period, OHCHR conducted 197 interviews and meetings (with victims, witnesses, relatives of victims, lawyers, and government officials) as well as site visits relating to the human rights situation in Crimea. Unless otherwise specified, the figures contained in this report relate to the cases documented and verified by HRMMU through its specific methodology, in line with OHCHR directives.[5] As such, this report does not provide an exhaustive overview of human rights violations perpetrated in Crimea during the period under review. OHCHR prioritizes protection of its sources from potential reprisal.[6]

III. Civil and Political Rights

A. Administration of justice and fair trial rights

18. In the period under review, OHCHR documented 39 cases where due process and fair trial guarantees prescribed under international human rights and humanitarian law were disregarded by Russian Federation state representatives in Crimea, including judges, prosecutors, investigators, police and FSB officers, affecting 94 individuals. These violations were documented in criminal and administrative proceedings.

19. At least 10 people were convicted pursuant to Russian Federation laws applied to acts committed before the occupation, in violation of the principle of legality and despite the obligation for an occupying power to maintain the penal legislation in force in the occupied territory and the prohibition to arrest, prosecute or convict protected persons for acts committed or opinions expressed before the occupation.[7] Half of the sentences retroactively implementing Russian Federation law penalized social media posts allegedly containing symbols, slogans or statements of organizations banned in the Russian Federation or materials considered as extremist.[8] The other five sentences involved Crimean Tatar men who allegedly took part in "mass disturbances" on 26 February 2014,[9]

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[5] *See* Training Manual on Human Rights Monitoring, Chapter 7 "Gathering contextual information", OHCHR, 2001 (under revision), available on the website of the Office of the High Commissioner for Human Rights:
http://www.ohchr.org/EN/PublicationsResources/Pages/MethodologicalMaterials.aspx.

[6] *See* OHCHR first Crimea thematic report, *supra*, paragraphs 30-35.

[7] Article 70, Geneva Convention IV.

[8] The Federal List of Extremist Materials was introduced by Federal Law No. 114-FZ *"On Combating Extremist* Activities" (25 July 2002).

[9] On 26 February 2014, during a rally in Simferopol pro-Ukrainian and pro-Russian protesters faced off, leading to a stampede and the death of two pro-Russian demonstrators. The defendants were accused of using force against pro-Russian demonstrators: fighting, throwing glass bottles and other heavy objects, using tear gas and pushing them with their weight.

prior to the *de facto* implementation of Russian Federation legislation in Crimea on 18 March 2014.[10]

20. Arrests and convictions sometimes appeared to pursue the objectives of penalizing political dissent and seemed designed to serve as warnings to others. On 14 March 2018, a Crimean farmer with pro-Ukrainian views was fined and sentenced to three years and five months in prison for unlawful possession of firearms and explosives. They were reportedly found in his home as it was searched shortly after the accused displayed a Ukrainian flag and a sign in his yard paying tribute to victims of the 2014 Maidan protests in Kyiv.

21. Defendants facing terrorism or extremism-related charges were pressured into waiving their privately-hired lawyers in exchange for promised leniency. Three Crimean Tatar defendants cancelled the contract with their lawyers after being prompted to do so by FSB officers and warned, through their family members, that having "pro-Ukrainian" counsels would damage their defense.[11] A man accused of planning a terrorist act terminated the contract with four privately-hired lawyers after the prosecution made it a condition for a plea bargain.[12] In another case, the lawyer of a Crimean Tatar man accused of spitting at a police officer during a house search was threatened by an investigator for "actively" defending his client. The investigator warned the lawyer he would "lose his license" and that it was a "matter of time" before he became a defendant himself.[13]

B. Right to physical and mental integrity

22. State agents of the Russian Federation in Crimea continued applying prohibited practices against people in detention or in the time between their effective deprivation of liberty and placement in detention. OHCHR documented seven cases, which occurred during the reporting period, where victims were ill-treated and sometimes tortured as a punishment, to extort confessions or to obtain specific information. The alleged perpetrators were members of the Russian Federation FSB and police in Crimea. The Geneva Conventions of 1949, their Additional Protocols of 8 June 1977 and applicable international human rights law[14] prohibit torture and other cruel or inhuman treatment and outrages upon individual dignity.

23. On 13 September 2017, following a search of his home, a Crimean Tatar man was arrested by the FSB.[15] He was held *incommunicado* for more than a day in the FSB premises in Simferopol, tortured, including by electric shock, and threatened with sexual violence to make incriminating statements against himself and others. On 14 September, the victim was left at a bus station in Simferopol. No formal record of his arrest was made and no official charges were brought against him.

24. On 23 January 2018, FSB officers tortured a Crimean Tatar man suspected of extremism inside a minibus on the way to their headquarters in Simferopol. Although the victim's physical injuries were properly documented by doctors and forensic experts, the Russian Federation Investigative Committee refused to open a criminal case, claiming the absence of *corpus delicti*.[16]

25. On 1 March 2018, Crimean police officers reportedly tortured a man to obtain the passwords to his social network accounts. During the court hearing, the judge dismissed the victim's torture complaint, stating it "goes beyond the merits of the case".[17]

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[10] OHCHR first Crimea thematic report, *supra*, paragraph 26.
[11] HRMMU interview, 13 October 2017.
[12] HRMMU interview, 2 March 2018.
[13] HRMMU interview, 30 November 2017.
[14] The Russian Federation is a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
[15] OHCHR Report on the human rights situation in Ukraine, 16 August to 15 November 2017, paragraph 138.
[16] HRMMU interview, 14 April 2018.
[17] HRMMU interview, 19 March 2018.

26. Detainees were often held in conditions amounting to cruel, inhuman or degrading treatment. In the Simferopol pre-trial detention center, overcrowded cells have necessitated sleeping schedules. At times, detainees have been denied food and water before being taken to court hearings or access to necessary medicine.[18] The Ombudsperson of Crimea has acknowledged an acute lack of medical personnel in penitentiary institutions jeopardizing access to medical care for detainees.[19] In addition, as of 30 June 2018, at least three Crimean residents detained in the peninsula or the Russian Federation—Oleh Sentsov, Volodymyr Balukh, and Emir-Usein Kuku—were on a hunger strike, raising further health concerns. Under international humanitarian law, detained protected persons must enjoy standards of food and hygiene sufficient to keep them in good health, and must receive the medical attention required by their state of health.[20]

C. Right to liberty and security

27. The right to liberty and security ensures that subjects of a State can pursue their daily activities without harassment or apprehension of being restrained without any lawful basis. It includes two key components: freedom from arbitrary arrest or detention; and protection from enforced disappearance.

1. Arbitrary arrests and detentions

28. The arrest or detention of an individual is arbitrary where there is no reasonable suspicion that they committed or planned to commit a crime or where there has been no due process of law. Arbitrary detention is strictly prohibited under international humanitarian law[21] and international human rights law.[22] Unlawful confinement of a protected person constitutes a grave breach of the Fourth Geneva Convention (article 147).

29. Eleven arrests taking place outside any legal framework were documented during the reporting period. In those cases, detention records often include a fictitious date of arrest preceded by a period of *incommunicado* detention during which the authorities concealed information about the whereabouts of the victim from relatives and lawyers. This also amounts to an enforced disappearance. During this period, torture and ill-treatment is often used to obtain specific information or to extract filmed confessions. In one case documented during the period under review, a judge approved a guilty plea agreement despite evidence that the accused had been unlawfully detained several days prior to the documented date of arrest. During the period preceding official arrest, he was tortured and subjected to a mock execution.[23]

30. Justifications underpinning the arrests and detentions of alleged members of terrorist or extremist groups often provided little evidence that the suspect posed an actual threat to society by planning or undertaking concrete actions. On 11 October 2017, FSB arrested six Crimean Tatar men for alleged membership in *Hizb ut-Tahrir*, an organization banned in the Russian Federation as it is considered "terrorist". The evidence presented in the bill of accusation mentioned three meetings ("*sokhbets*") at a mosque, during which the defendants discussed world-wide political developments.[24]

31. Crimean Tatars were disproportionately subjected to police and FSB raids of their homes, private businesses or meeting places, often followed by arrests. OHCHR documented 57 searches in 2017, of which 53 concerned Crimean Tatar properties, and 38 searches in the first half of 2018, of which 30 concerned properties of Crimean Tatars. The

[18] HRMMU interview, 23 December 2017.
[19] Report of the Ombudsperson of the Republic of Crimea on the human rights situation in Crimea in 2017, pp. 56-59.
[20] Article 76, Geneva Convention IV.
[21] Rule 99, Customary International Humanitarian law.
[22] Article 9, International Covenant on Civil and Political Rights ("ICCPR").
[23] HRMMU interview, 2 March 2018.
[24] HRMMU interview, 30 November 2018. All defendants were detained and awaited their trial as of 30 June 2018.

number of searches carried out in the first six months of 2018 has nearly tripled compared to the similar period in 2017, when 14 searches were documented, 11 of which concerned Crimean Tatars. While the searches were usually carried out on the basis of court warrants, some were conducted without presenting any authorization or portrayed as a 'house observation', an investigative activity not requiring judicial supervision when it is conducted with the consent of the property owner. The raids often involved excessive use of force and an extent of searches not warranted by circumstances, going beyond the lawful objective of preventing crime and protecting the rights and freedoms of others.[25]

2. Enforced disappearances

32. OHCHR conducted a review of cases of individuals who went missing in Crimea from 3 March 2014 to 30 June 2018, and found that at least 42 persons were victims of enforced disappearances, including four during the reporting period. The victims (38 men and 4 women) include 27 ethnic Ukrainians; 9 Crimean Tatars; 4 Tajiks; 1 person of mixed Tatar-Russian origins; and 1 Uzbek. Twenty-seven were released after being illegally detained for periods lasting from a few hours to two weeks; twelve are missing and feared dead by their relatives; two are held in custody; and one was found dead.

33. The majority of disappearances occurred in 2014, when 28 persons went missing with allegations of involvement of the "Crimean self-defense" in most cases. Two enforced disappearances occurred in 2015, three in 2016, seven in 2017, and two in 2018. Victims of enforced disappearance were predominantly pro-Ukrainian activists united in their opposition to the March 2014 referendum and their support of the Ukrainian armed forces stationed on the peninsula (22 cases). Other victims include five individuals with links to Crimean Tatar groups or institutions, including the Mejlis; four journalists; one Ukrainian serviceman; one Muslim Ukrainian; one Greek-Catholic priest; five migrants from Central Asia; and three individuals with no known affiliations.

34. The disappearances were often attributed to more than one perpetrator. Thus, in relation to the 42 documented cases, 76 perpetrators were identified, including representatives of pro-Russian formations and Russian Federation military and security structures. Specifically, disappearances were attributed to members of the "Crimean self-defense" (23 attributions), the FSB (23), the Armed Forces of the Russian Federation (10), Cossack groups (8), the Russian Federation police (6), the "Russian Unity" political party (4) and the "Crimea Liberation Army" (2). In cases documented during the reporting period, the FSB was cited as the most common perpetrator, unlike at the beginning of the occupation when the "Crimean self-defense" was most frequently identified as the perpetrator. Victims often described physical violence and psychological pressure inflicted during *incommunicado* detentions.

35. In none of the cases documented have perpetrators been brought to justice. Seven persons identified by OHCHR as victims of enforced disappearances are listed by Russian Federation authorities as "missing". In relation to at least ten victims, the authorities have either refused to register a case or suspended previously initiated investigations. The lack of progress in the investigations raises questions about their effectiveness.

D. Freedom of movement

36. International human rights law guarantees liberty of movement and free choice of residence.[26] Restrictions are permissible if they are provided by law, proportionate, and justified by a legitimate aim.

In contravention of General Assembly resolutions 68/262, 71/205 and 72/190, the Russian Federation introduced a state border at the ABL between mainland Ukraine and Crimea. This border and the absence of public transportation between Crimea and mainland Ukraine

[25] HRMMU interview, 10 November 2017.

[26] Article 12, ICCPR.

continued to undermine freedom of movement to and from the peninsula, affecting mainly the elderly, people with limited mobility and young children.

37. In 2017, 2,525,530 ABL crossings were registered in both directions, which is 35 per cent less than in 2015.[27] The severing of economic and trade links between mainland Ukraine and Crimea may explain this decrease, as well as apprehension about crossing the ABL due to fears of harassment or arrest.[28] For example, on 8 November 2017, seven Crimean Tatar women, all spouses of men under criminal prosecution in Crimea, were stopped by Russian Federation law enforcement officers as they were returning from mainland Ukraine to Crimea.[29] They were released after seven hours of detention and interrogations. On 8 March 2018, a Crimean Tatar man was detained for 12 hours by the FSB and subjected to physical violence in order to force him to testify against Crimean Tatar acquaintances suspected of being members of "radical" Muslim groups.[30]

38. Ukrainian legislation restricts access to Crimea to three designated crossing points in Ukraine's Kherson region and imposes sanctions, including long-term entry bans, in case of non-compliance with this requirement.[31] Crimean residents lacking Ukrainian passports who only possess Russian-issued Crimean travel documents which are not recognized by Ukrainian authorities often faced difficulties when crossing the ABL into mainland Ukraine. This situation encourages reported practices of bribery, which also occurs in the context of transportation of personal items. Although Government-imposed restrictions on transfer of personal items across the ABL have been repealed,[32] travelers occasionally report instances when Ukrainian border guards refused to allow personal belongings to be transferred across the ABL.

E. Freedom of thought, conscience and religion

39. As of 30 June 2018, 750 religious organizations were registered in Crimea and 103 in Sevastopol. Those figures remain 45 per cent below the number of religious organizations operating prior to Crimea's occupation, indicating that there has been no improvement from the previously reported figure in 2017.[33] The obligation to register, deriving from Russian Federation legislation, applies to all legal entities wishing to continue operations.[34]

40. The Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP) did not seek registration under Russian Federation law and claims persecution in Crimea. In 2017, it initiated lawsuits to contest actions against its property or obtain recognition of the right to conduct church services in premises to which access is currently denied. While two lawsuits were declared inadmissible,[35] in one case the court accepted that the UOC-KP had *locus standi* to claim property rights over a building located on a military base in Sevastopol and used as a church until 2014. However, the court rejected the request on its merits, declaring that the Russian Federation Ministry of Defense had legal title to the military base, including the contested building on its premises, and was under no obligation

[27] There were 3,920,936 crossings in 2015 (source: Permanent Representative of the President of Ukraine to the Autonomous Republic of Crimea).

[28] HRMMU interviews, 3 and 15 January 2018.

[29] HRMMU interview, 7 June 2018.

[30] HRMMU interview, 1 June 2018.

[31] Access to Crimea is only legal through ABL crossing points in the districts of Kalanchak, Chaplynka and Chonhar.

[32] Resolution no. 1035 of 14 December 2015 was repealed on 14 June 2017.

[33] On 1 January 2014, 2,220 religious organizations were operating in the Crimean peninsula, of which 1,546 were registered. OHCHR also recalls that on as of 4 September 2017, 722 religious communities were registered in Crimea and 96 in Sevastopol.

[34] OHCHR first Crimea thematic report, paragraphs 136-145.

[35] Judgements of the Arbitration Court of the Republic of Crimea (18 September and 27 November 2017).

to grant access.[36] In 2018, 9 UOC-KP parishes allegedly continued to operate in Crimea, down from 20 parishes before the beginning of occupation.

41. The Crimean Tatars have traditionally been affiliated to the Spiritual Administration of Crimean Muslims, which re-registered in 2015 and is treated favorably by the authorities. Crimean residents who are perceived as sympathizers of unauthorized Muslim groups, such as *Hizb ut-Tahrir* and *Tablighi Jamaat*, face prosecution.[37]

42. Registration in accordance with Russian Federation regulations did not preclude interferences in the activities of religious organizations. The "Church of the Voice of Hope", an evangelic protestant denomination in Bakhchysarai, re-registered under Russian Federation legislation. However, following FSB threats and intrusive inspections conducted by various government agencies, the Church stopped delivering worship services in December 2017.[38]

F. Freedoms of opinion and expression

43. Reflecting a continuing trend, Russian Federation authorities in Crimea placed excessive limitations on the freedoms of opinion and expression. In accordance with human rights law, the exercise of fundamental freedoms may only be subjected to restrictions provided by law and necessary for the respect of the rights or reputations of others, or the protection of national security, public order, public health or morals.

44. Three individuals advocating for the return of Crimea to Ukraine or expressing the view that Crimea remains a territory of Ukraine were sentenced by courts in Crimea during the reporting period on the basis of Russian Federation legislation criminalizing public calls encouraging separatism. This runs counter to the concluding observations of the Human Rights Committee, which called on the Russian Federation to apply anti-separatism legislation in a manner consistent with article 19 of the ICCPR, and not to silence individuals critical of the State's foreign policy, including with regard to Crimea.[39]

45. The right to express one's views has been curtailed through court-imposed sanctions against individuals posting information, pictures or saving social media content deemed "extremist". On 15 March 2018, the Supreme Court of Crimea upheld the conviction of a Crimean woman found guilty of inciting hatred for a *Facebook* post criticizing the Russian Federation, its army and historical characters.[40]

46. Based on interviews with current and former journalists from Crimea, OHCHR noted continued interference in journalistic activity and a lack of independent reporting. Several interlocutors mentioned widespread self-censorship and filtering of content prior to publication.[41] An undercover reporter monitoring trials of Crimean Tatars accused of terrorism was questioned by police about his journalistic activity. He was "warned" about the consequences of "wandering around" court hearings and let go after writing an explanatory note. The police did not present any grounds for stopping or questioning him.[42]

G. Freedom of peaceful assembly

47. During the period under review, the right to hold and participate in peaceful assemblies continued being selectively protected. While Russian Federation authorities in Crimea have allowed some public events to take place, including national celebrations or

[36] Judgment of the Arbitration Court of the city of Sevastopol (28 July 2017).
[37] HRMMU interview, 10 November 2017.
[38] HRMMU interview, 5 December 2017.
[39] UN HRC, Concluding observations on the seventh periodic report of the Russian Federation, CCPR/C/RUS/CO/07, 28 April 2015, paragraph 20.
[40] HRMMU interview, 26 March 2018.
[41] HRMMU interview, 15 January 2018.
[42] HRMMU interview, 27 November 2017.

commemorations,[43] they arbitrarily banned or sanctioned the conduct of other processions, assemblies or meetings of a non-violent nature in violation of applicable human rights law.

48. Under Russian Federation legislation applied in Crimea, most public events require prior authorization by local authorities. Conduct of unauthorized assemblies was thus regularly sanctioned. On 20 September 2017, a court fined a Crimean Tatar man for organizing a protest against the expropriation of land in Sevastopol. The local authorities had previously denied the request to hold this assembly, citing plans to hold another event on the same date and location. In the case of simultaneous assemblies at the same place and time, it is good international practice to allow, protect and facilitate all events, whenever possible.[44]

49. According to Russian Federation legislation, one-person pickets do not require pre-authorization. However, between December 2017 and March 2018, courts in Crimea fined 80 Muslim men, who, on 14 October 2017, had conducted single-person pickets to protest the arrests of other Muslim men, mostly Crimean Tatars, for alleged membership in terrorist or extremist organizations.[45] The courts based their decisions on jurisprudence of the Constitutional Court of the Russian Federation providing that when several one-person pickets are held simultaneously and are similar to one another with "sufficient obviousness", they may be considered as one public picket carried out by a group of individuals requiring prior authorization.[46] OHCHR notes that the judgments offer no evidence that single picketers had harmed national security, public safety, public order, public health or morals, or the rights and freedoms of others, which are the only permissible grounds to restrict the right to peaceful assembly under international human rights law.

50. In October 2017, 13 Crimean municipalities rejected requests to hold assemblies advocating for the recognition of the human rights of the LGBTI community based on Russian Federation legislation applied in Crimea prohibiting propaganda of "non-traditional sexual relations". The jurisprudence of the Human Rights Committee[47] and the European Court of Human Rights ("ECtHR")[48] has established that the refusal to hold a peaceful assembly on the ground of sexual orientation infringes the right to free assembly and the prohibition of discrimination.

H. Freedom of association

51. Due to a deteriorated human rights environment and declining freedoms, informal civil society networks have sprung up. They have chosen not to register to avoid oversight and control of their activities by the authorities.

52. In response to arbitrary arrests and prosecutions of Crimean Tatar activists, relatives of detained Crimean Tatars created a civic group "Crimean Solidarity" operating as a platform to exchange information, mobilize support, and reach out to lawyers and human rights defenders.[49] In 2017, the network launched a fundraising campaign - Crimean marathon - to cover fines imposed on Crimean Tatars holding protests, filming police raids or publishing critical social media posts. On 27 January 2018, a Crimean Solidarity meeting in Sudak attended by 150 people was disrupted by law enforcement officers allegedly

[43] For example, the holiday of spring and fertility ("Hydyrlez") and the commemoration of the Crimean Tatar deportation were held on 5 May and 18 May 2018.

[44] Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Human Rights Council, A/HRC/20/27, 21 May 2012, paragraph 30.

[45] The administrative fines ranged from 10,000 RUB (165 USD) to 15,000 RUB (250 USD). Three guilty verdicts were subsequently set aside on appeal.

[46] Decision of the Constitutional Court of the Russian Federation, 14 February 2013 (https://rg.ru/2013/02/27/mitingi-dok.html).

[47] HRC, Communication No. 1873/2009, *Nikolai Alekseev* (2013).

[48] ECtHR, Bączkowski and Others v. Poland (2005).

[49] Another non-registered initiative, "Crimean Childhood", was launched to support children of detained activists.

searching for drugs and weapons. The activists were questioned and photographed but no prohibited items were found.

53. The Ukrainian Cultural Centre was set up in May 2015 to maintain and promote Ukrainian identity and culture after Crimea's occupation. In August 2017, it launched *Krymskyi Teren*, a monthly Ukrainian language newspaper which published nine issues until 30 June 2018. Contributors acknowledged applying self-censorship and sometimes using pseudonyms.[50] Members of the Centre were warned by law enforcement not to engage in ill-defined "extremist activities" and sometimes threatened; as a result, the Centre only had three active members in 2018.

54. The Mejlis, viewed by many Crimean Tatars as a self-governing body comprising elected representatives of the Crimean Tatar people, remains banned for extremism in Crimea and the Russian Federation despite a 2017 ICJ Order requiring that the Russian Federation "*Refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis*"[51]

55. Virtually all LGBTI initiatives that had existed in Crimea before 2014 have disappeared from the peninsula by 2018. NGOs, which continue working on access to healthcare among vulnerable groups, have found it impossible to advocate for better access to healthcare for LGBTI people because of the fear of persecution.[52] LGBTI residents of Crimea face difficulties with finding a safe environment for gatherings because of the overall hostile attitude towards the manifestation of LGBTI identity.[53] OHCHR received information that the last public gathering conducted by LGBTI activists in Crimea took place in 2013.[54]

56. OHCHR stresses that the possibility to share one's beliefs in a community with others, as guaranteed by the freedom of association, is essential as it contributes to the realization of other fundamental freedoms, such as the freedoms of expression, thought, conscience and religion.[55]

I. Voting rights

57. On 18 March 2018, the Russian Federation presidential election was held in Crimea, in violation of General Assembly resolutions reaffirming its status as a territory of Ukraine.

58. OHCHR received reports of pressure on public sector employees to vote in order to ensure high turnout. A Crimean Tatar teacher from Krasnoperekopsk was reprimanded and threatened with dismissal by the principal of the school for her refusal to vote. Some voters stated their employers required them to photograph themselves at the polling station as evidence of their participation. Two weeks before the vote, a member of an unregistered anarchist group from Sevastopol who had announced on a social networking site plans to hold an election boycott rally was sentenced to 11 days of administrative arrest for an earlier post allegedly containing extremist content.[56]

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[50] HRMMU interviews, 2 October 2017 and 9 October 2017.

[51] Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all forms of racial discrimination (Ukraine v. Russian Federation), Request for the indication of provisional measures, 19 April 2017, General List No. 166 ("Application, Ukraine v. Russian Federation"), paragraph 106.

[52] HRMMU meeting, 23 January 2018.

[53] HRMMU interviews, 12 January 2018 and 2 October 2017.

[54] HRMMU interview, 19 October 2017.

[55] ECtHR, *Chassagnou and Others v. France* (1999).

[56] HRMMU interview, 19 March 2018.

IV. Economic, Social and Cultural Rights

A. Rights to health

59. Despite the opening of new medical facilities and equipment upgrades, the general availability of healthcare services in Crimea remained inadequate. One fifth of positions in state hospitals were vacant on 1 January 2018.[57] In 2017, the number of doctors, which was already grossly insufficient, dropped by 2 per cent compared to 2016.[58] In addition, specific groups, such as intravenous drug-users, continued to be denied access to effective health treatment.

60. Four years after Russian Federation authorities interrupted the WHO-recommended opioid substitution therapy (OST) applied in Crimea prior to the occupation, health and social problems associated with long-term drug use have been aggravated. Without regular medical monitoring associated with the administration of methadone or buprenorphine in substitution for street narcotics, at least 806 patients fell out of treatment and prevention services in Crimea.[59] OHCHR recalls that States have the duty to protect and fulfill the right to health by making their healthcare system accessible for all, especially vulnerable and marginalized groups.

61. Criminal charges were pressed against advocates of substitution therapy in Crimea. One of them, an OST beneficiary from Simferopol who produced videos advocating for OST, fled Crimea in December 2017 after the police found buprenorphine, a drug used to fight addiction, in his apartment.[60]

62. Providing drug-users and other at-risk groups with access to efficient medical assistance has essential public health ramifications, notably linked to the spread of sexually-transmitted diseases such as HIV-AIDS. According to Russian Federation statistics, 18,110 cases of HIV infection were registered in Crimea (excluding the city of Sevastopol) from 1987 to 2017, of which over 5 per cent (1,006) were identified in 2017.[61] According to the Ukrainian authorities, at least 115 HIV-positive people have left the peninsula since the beginning of the occupation and turned to healthcare institutions in mainland Ukraine to obtain necessary treatment.

B. Property rights

63. Under international humanitarian law, private property cannot be confiscated under any circumstances.[62] Nevertheless, Crimea's occupation was followed by the confiscation of thousands of publicly and privately owned real estate assets declared to be "nationalizations". In Sevastopol, for example, over 1,800 privately-owned land plots, some with properties erected on them, have been confiscated since November 2014.

64. On 19 September 2017, the Supreme Court of the Russian Federation ruled in favor of a dispossessed land plot owner from Sevastopol contesting the legality of a court-ordered confiscation.[63] This decision triggered a series of judgments upholding the security of tenure of property owners. Thus, between November 2017 and March 2018, 304

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[57] Report of the Ombudsperson of the Republic of Crimea on the human rights situation in Crimea in 2017, p. 85.

[58] Following Crimea's occupation, the preexisting lack of public sector medical personnel was aggravated by the departure of doctors to the private sector. *See* OHCHR first Crimea thematic report, paragraphs 204-208.

[59] HRMMU interview, 15 February 2018.

[60] HRMMU interview, 15 February 2018.

[61] https://spid-crimea.ru/wp-content/uploads/2016/03/Статистика-2017.pdf. This is slightly below the 2016 numbers, given that 1,417 newly diagnosed cases of HIV infection were recorded in Crimea for the first nine months of 2016. *See* OHCHR first Crimea thematic report, paragraph 214.

[62] Articles 46 and 56, Hague Regulations.

[63] http://www.supcourt.ru/stor_pdf.php?id=1583148.

expropriation requests were rejected by first instance and appellate courts in Sevastopol. At the same time, judicial practice remained inconsistent, with 514 land plot confiscations approved during the same period.

65. According to information provided by the Russian Federation authorities in Crimea, progress was made in the long-standing issue of access to property for formerly deported people. Following their return from decades-long exile, Crimean Tatars settled spontaneously around the Crimean peninsula, constructing unauthorized dwellings. Individual land seizures evolved into organized forms of squatting having conflict potential. In August 2013, around 2,000 hectares were occupied by 56 unauthorized settlements involving an estimated 8,000 to 15,000 people.[64]

66. After March 2014, the Russian Federation authorities in Crimea adopted special legislation creating an electronic database of "land squatters" wishing to regularize their property situation.[65] Two audits enabled to identify 7,895 "real" applicants[66] while the rest were dismissed as "ghosts" or "fake squatters". Reportedly, as of October 2017, nearly 4,300 persons in the database (about 55 per cent) had received land plots free-of-charge. On 17 May 2018, the head of the Crimean Committee on Interethnic Relations announced plans to allocate an additional 1,700 land plots.[67] OHCHR notes that the property rights of the new landowners are not recognized under Ukrainian legislation, which considers all real estate transactions concluded in Crimea while under occupation, including such land allocations, as null and void.[68]

C. Right to education in native language

67. According to Russian Federation law applied in Crimea, Russian, Ukrainian and Crimean Tatar are the official languages of Crimea and can be used as languages of instruction. After the independence of Ukraine in 1991, Russian remained the predominant language of instruction in Crimea, a tendency that has been amplified following Crimea's occupation. In the 2017/2018 academic year, 97 per cent of children in Crimea were educated in Russian, up from 90.7 per cent in 2014.[69]

68. In the 2017/2018 academic year, instruction in Ukrainian was provided in one Ukrainian school[70] and 13 Ukrainian classes in Russian schools attended by 318 children. When Ukraine's education curriculum was last applied on the peninsula, in 2013/2014, there were 7 Ukrainian schools and 829 Ukrainian classes attended by 12,694 children. Reports of pressure from school administrations; assimilation in a predominantly Russian-speaking environment; the departure of thousands of pro-Ukrainian residents; and various deterring factors explain this rapid decline. One former teacher from Yalta stated that parents requesting Ukrainian language education for their children are put on lists handed over to the FSB.[71] The number of children learning Ukrainian as a regular subject, an elective course or within extracurricular activities in the current academic year reportedly constitutes 10,600 students.[72]

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[64] *See* "The integration of formerly deported people in Crimea, Ukraine: Needs assessment", OSCE/HCNM, August 2013, available at: https://www.osce.org/hcnm/104309?download=true.

[65] Law of the Republic of Crimea No. 66-3PK/2015 "On allocation of state and municipal land plots and certain issues of land relations", available at: http://www.crimea.gov.ru/textdoc/ru/7/act/66z.pdf.

[66] http://glava.rk.gov.ru/rus/index.htm/news/342796.htm.

[67] https://crimea.ria.ru/society/20180517/1114469971.html.

[68] Law of Ukraine No. 1207-18 "On the Protection of the Rights and Freedoms of the Citizens and the Legal Regime on the Temporary Occupied Territory of Ukraine", article 11 (5).

[69] Source: Ministry of Education of Ukraine.

[70] School No. 20 in Feodosiia.

[71] HRMMU interview, 12 October 2017.

[72] The Russian Federation authorities previously reported that 6,400 students were learning Ukrainian in 2017/2018, down from 12,892 in 2016/2017. These significant divergences between the reported figures raise concerns about the overall credibility of the statistics.

69. According to the statistics of the Russian Federation authorities in Crimea, the use of Crimean Tatar as a language of instruction has remained stable, with 5,835 Crimean Tatars educated in their native language in 2017/2018 and 5,551 in 2013/2014. There are however reports of discrepancies between the language status of a school and its language of instruction. For example, ninth graders in a Crimean Tatar school of the city of Bilohirsk were instructed in Russian language, while Crimean Tatar language was taught as an elective course after regular school hours.[73] In addition, OHCHR documented cases where the explicit requests of parents to use Crimean Tatar as the language of instruction for their children have remained unaddressed.[74] As of 30 June 2018, Crimea reportedly had 16 Crimean Tatar schools, up from 15 in 2014. Approximately 21,600 Crimean Tatar children learn their native language as a regular subject, an elective course or within extracurricular activities.

70. On 28 December 2017, the Ministry of Education of Crimea sent municipalities a communication outlining a "Road map on the choice of language in education"[75] offering a mechanism for parents to request native language education for their children. In particular, school administrations must inform parents of the right to choose a language of instruction, the possibilities of learning languages other than Russian, and the availability of staff to teach in different languages. OHCHR notes that this initiative could facilitate access to education in one's mother tongue provided it is implemented effectively, and recalls that on 19 April 2017 the ICJ delivered an Order on provisional measures requesting the Russian Federation to "*Ensure the availability of education in the Ukrainian language in Crimea*".[76]

V. Forced conscription

71. As an occupying power, the Russian Federation is bound to comply with international humanitarian law prohibiting compulsion of Crimean residents into its armed or auxiliary forces.[77] No pressure or propaganda aimed at securing voluntary enlistment is permitted. Forced conscription also adversely affects the enjoyment of human rights.

72. Yet conscription of Crimean residents into Russian Federation armed forces continued in 2018. Russian Federation rules provide for biannual enlistment campaigns, in spring and fall. The fall 2017 and spring 2018 campaigns in Crimea involved 2,400 and 2,800 male residents respectively.[78] An estimated 12,000 residents have been conscripted into the Russian Federation army since 2015.[79] A new practice of transferring drafted men from Crimea to the Russian Federation started in 2017 and continued in the 2018 spring campaign when about 25 per cent of conscripts were sent to military units in the Russian Federation.

73. Draft evasion is punishable under Russian Federation criminal law by up to two years' incarceration. While OHCHR has no information about any cases of court-ordered deprivation of liberty related to draft evasion, at least nine individuals were fined 20,000 or

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[73] HRMMU interview, 4 June 2018.

[74] HRMMU interview, 4 June 2018.

[75] http://monm.rk.gov.ru/file/scan01275220171228104654.pdf.

[76] Application, Ukraine v. Russian Federation, *supra*, paragraph 106. In its Concluding Observations on the twenty-third and twenty-fourth periodic reports of the Russian Federation, the Committee on the Elimination of Racial Discrimination noted that it "appreciates the [Russian Federation] delegation's statement that the State party considers mandatory the Order of the International Court of Justice dated 19 April 2017", available at http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnLhf979C%2fgtYtPXQ%2f%2b4tE7ukTT14m%2becJYUSHmqdz4u6Soz69fKsUApaoBE7r59t4YcZVsGOtqqYpufqZy1NxwQ8QOV1CFk6ZGavveEj24FrRWDQvojATkNJOzpbXKCQ%3d%3d, paragraph 19.

[77] Article 51, Geneva Convention IV.

[78] The first military draft of Crimean residents into the Russian Federation armed forces was conducted in April 2015. It involved 500 conscripts.

[79] Source: Ministry of Defense of the Russian Federation.

25,000 RUB (320 or 430 USD) for their refusal to serve.[80] Under Russian Federation legislation, conviction for draft evasion does not absolve from the obligation to undergo military service.

74. In another case in October 2017, a Feodosiia resident was summoned to a military draft commission and told to choose between enlisting or permanently leaving Crimea.[81]

VI. Illegal population transfers

75. Under international humanitarian law, forcible transfers as well as deportations of protected persons outside the occupied territory are prohibited. This rule applies regardless of the motive of the transfer or deportation.[82]

76. The Russian Federation court registry lists 512 deportation orders issued in Crimea and Sevastopol in 2017, of which at least 287 concerned Ukrainian citizens. Deportations of protected persons continued in 2018. On 2 February, 23 Ukrainian citizens working at a construction site in Crimea were deported for "illegal employment" and banned from entering Crimea for five years. They were fined and transferred to a temporary detention facility in the Russian Federation before being deported to mainland Ukraine. Court hearings were conducted expeditiously and in the absence of defense lawyers, in violation of fair trial guarantees.[83]

77. During the reporting period, OHCHR verified 13 cases where Ukrainian citizens detained in Crimea were transferred to the Russian Federation to stand trial or serve a sentence. The actual number is believed to be much higher, since Russian Federation authorities do not publicly report on the number of such transfers.[84] OHCHR continued receiving regular reports of torture and ill-treatment in Russian Federation penitentiary facilities.[85]

78. According to Russian Federation statistics, during the 2014-2017 period, 108,224 people changed their residency registration from Russian Federation regions to "the Republic of Crimea" or the city of Sevastopol, including 29,500 in 2017.[86] The Fourth Geneva Convention prohibits an occupying power to deport or transfer parts of its own civilian population into the territory it occupies,[87] a rule interpreted by the International Court of Justice as applying to any measures taken "to organize or encourage" such transfers.[88] It follows from this that the relocation of state employees from the territory of the Russian Federation to Crimea can be regarded as "organized or encouraged" population movements violating international humanitarian law provisions, while voluntary movements of civilians from the Russian Federation to Crimea are not prohibited.

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[80] For example, a 19-year-old Sevastopol resident was convicted by the Sevastopol Leninskyi district court on 28 June 2018.

[81] HRMMU interview, 8 November 2017.

[82] Article 49, Geneva Convention IV.

[83] Judgments of 2 February 2018 of the Yevpatoriyskiy city court.

[84] The Government of Ukraine identified 255 Ukrainian detainees who were transferred from Crimea to various penitentiary institutions in the Russian Federation since March 2014. The NGOs "Ukrainian Helsinki Human Rights Union" and "Regional Center for Human Rights" claim that such transfers have involved at least 4,700 detainees.

[85] HRMMU interview, 6 March 2018.

[86] These figures encompass population movements between any two regions of the Russian Federation, and most likely include relocations between the "Republic of Crimea" and the city of Sevastopol, which are considered by the Russian Federation as separate regions of the Russian Federation.

[87] Article 49, paragraph 6, Geneva Convention IV.

[88] Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004, paragraph 120.

VII. Access to mainland Ukraine's public services

79. As of 1 May 2018, 31,971 internally displaced persons (IDPs) from Crimea were registered in mainland Ukraine.[89] This does not include displaced persons who left without registering as IDPs. While their status as Ukrainian citizens guarantees them equal treatment before the law, displaced persons, current residents of Crimea, and even people who relocated to the mainland before occupation, often cite obstacles to accessing public services, including civil registration, identification documents and banking services in mainland Ukraine.

80. After March 2014, all natural and legal persons with registered addresses in Crimea lost the status of "residents" in mainland Ukraine for taxation and banking purposes.[90] In practice, this created a situation where current residents of Crimea as well as residents of mainland Ukraine whose passports indicate registration in Crimea lost access to banking services, including the ability to open and maintain a bank account, perform transactions, and use financial services.

81. In order to obtain valid death or birth certificates Crimean residents must submit applications to courts in mainland Ukraine. An expedited procedure for court hearings was introduced in 2016[91] but has since been unevenly applied. Courts sometimes demand evidence of the formal refusal of administrative bodies to register a birth or a death, which is not prescribed by law.[92]

82. The current judicial procedure does not provide for recognition of marriages and divorces. In one case, the court did not recognize a divorce issued in Crimea, preventing the applicant from re-marrying in mainland Ukraine.[93] The ICJ has noted that the invalidity of legal acts issued by a non-recognized administration effectively controlling a territory does not extend to the acts that, if ignored, would be "to the detriment of the inhabitants of the Territory".[94]

83. Most applications addressed by Crimean residents to Ukrainian state institutions concern the issuing or renewal of passports. Those who lost their Ukrainian passports and children applying for Ukrainian passports for the first time were often under closer scrutiny and required to provide additional evidence of their identity. The financial burden of traveling to mainland Ukraine, long waiting periods, and fines for failing to renew documents on time are often cited as discouraging passport applications and ultimately undermining the enjoyment of the rights attached to citizenship. The situation is sometimes complicated by arbitrariness and bias against Crimean residents. A woman from Crimea was denied the possibility to change her last name after marriage and was told "to apply in Crimea".[95] An officer of the State Migration Service refused to extend the validity of the passport of a Crimean woman who had relocated to mainland Ukraine before 2014 and openly stated she could be "a separatist".[96]

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[89] The figure includes 8,216 children, 2,774 elderly people, and 490 people with disabilities. Source: Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea.

[90] Law "On the Creation of the Free Economic Zone "Crimea" and the Particularities of the Conduct of Business Activity on the Temporarily Occupied Territory of Ukraine" (12 August 2014), available at http://zakon2.rada.gov.ua/laws/show/1636-18?info=1; Decree 699 of the National Bank of Ukraine (3 November 2014), available at http://zakon0.rada.gov.ua/laws/show/v0699500-14. The High Administrative Court of Ukraine upheld the decree on 8 November 2017.

[91] Article 317, Civil Procedure Code of Ukraine. In 2016, a new expedited procedure with a possibility to submit applications to courts in any locality in mainland Ukraine was introduced.

[92] Judgment of the Kalanchatskyi district court, (2 February 2018), available at http://www.reyestr.court.gov.ua/Review/71958274.

[93] Judgment of the Golovanivskyi district court, (17 November 2017), available at http://www.reyestr.court.gov.ua/Review/70303605.

[94] Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), ICJ Reports 1971, paragraph. 125.

[95] HRMMU interview, 7 February 2018.

[96] HRMMU interview, 27 November 2017.

84. International human rights law requires equal protection of the law without discrimination on any ground such as national origin, birth, or other status.[97] States have a continuing obligation to use all the legal and diplomatic means available to ensure respect for human rights in relation to the population of a territory controlled by *de facto* authorities.[98]

VIII. Conclusions and recommendations

85. **During the 10 months covered by this report, Crimean residents continued to be subjected to the legal and governance framework of the Russian Federation, in violation of international humanitarian law. Against this background, the overall human rights situation in Crimea continued to be marked by restrictions in the exercise of fundamental freedoms and a lack of effective remedies to claim rights and seek justice.**

86. **In order to improve the human rights situation in Crimea, OHCHR recommends:**

87. **To the Government of the Russian Federation:**

(a) Uphold human rights in Crimea and respect obligations that apply to an occupying power pursuant to international humanitarian law provisions;

(b) Ensure proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea, pursuant to General Assembly resolutions 71/205 and 72/190;

(c) Respect the laws in place in Crimea in 2014 before the beginning of the occupation, in particular by refraining from enforcing Russian Federation legislation in Crimea, pursuant to General Assembly resolutions 68/262, 71/205, and 72/190;

(d) Refrain from compelling residents of Crimea to serve in its armed forces; end the practice of deportations and forcible transfers of protected persons, including detainees, outside the occupied territory; refrain from transferring its own civilian population to Crimea and end the practice of encouraging such transfers;

(e) End discriminatory practices and human rights violations and abuses, including torture, ill-treatment, enforced disappearances, arbitrary arrests and detention;

(f) Refrain from arresting or prosecuting Crimean residents for acts committed or opinions expressed before the occupation and release all Crimean residents who have been arrested or imprisoned for such acts;

(g) Ensure that lawyers are able to perform their duties without intimidation, harassment or improper interference;

(h) Ensure effective investigation of allegations of ill-treatment, torture and enforced disappearances, particularly those involving state agents as alleged perpetrators; ensure accountability and provide redress to victims and their families;

(i) Stop prosecuting individuals for social media comments or posts that do not constitute calls for discrimination or violence;

(j) End arbitrary searches of private properties belonging to Crimean Tatars;

(k) Ensure adequate medical assistance to individuals detained in penitentiary institutions irrespective of their citizenship or any other discriminatory grounds; investigate effectively all deaths in detention;

[97] Article 26, ICCPR; article 2(2), ICESCR; article 14, ECHR.

[98] HRC, Concluding Observations on Moldova (CCPR/C/MDA/CO/2(2009); ECtHR, *Ilascu and Others v. Moldova and Russia* (8 July 2004), paragraph 331.

(l) Ensure unimpeded freedom of movement between Crimea and mainland Ukraine;

(m) Report the number of individuals transferred from Crimea to the Russian Federation to serve criminal sentences and take immediate actions in order to return such individuals to Crimea;

(n) Take all necessary steps to ensure that freedoms of expression, peaceful assembly, association, thought, conscience and religion can be exercised by all in Crimea, without discrimination on any grounds;

(o) Enable a safe environment for independent and pluralistic media outlets and civil society organizations; ensure unimpeded access of Ukrainian and foreign journalists, human rights defenders and other civil society actors to Crimea;

(p) Respect the right to peaceful assembly; cancel unjustified pre-authorization requirements; end the practice of administrative and criminal prosecution for the exercise of this right;

(q) Allow free manifestation of one's traditions and cultural identity, including the unimpeded functioning of community organizations and commemoration of important events;

(r) Comply with the Order of the ICJ of 19April 2017; lift restrictions imposed on the Crimean Tatar community to conserve its representative institutions, including the ban on the Mejlis; ensure the availability of education in Ukrainian language;

(s) Restore property rights of all former owners deprived of their title as a result of confiscations carried out in Crimea and Sevastopol; and

(t) Ensure that healthcare services are available and accessible to all residents of Crimea; end the ban on substitution therapy for intravenous drug-users.

88. **To the Government of Ukraine:**

(a) Respect its human rights obligations in relation to Crimean residents; use all legal and diplomatic means available to this end;

(b) Investigate, within practical limits, human rights violations and abuses committed in Crimea;

(c) Facilitate freedom of movement to and from Crimea; refrain from policies restricting access of journalists, human rights defenders and other civil society actors to Crimea;

(d) Simplify access of current and former residents of Crimea to all public services offered to residents of mainland Ukraine, including banking services, identification documents and civil registration procedures; and

(e) Support dialogue between the Ombudspersons of Ukraine and the Russian Federation to facilitate the voluntary transfer of Ukrainian detainees held in Crimea and the Russian Federation to penitentiary institutions in mainland Ukraine.

89. **To the international community:**

(a) Urge the Russian Federation to comply with its obligations as an occupying power under international human rights and humanitarian law;

(b) Encourage the Russian Federation to grant international and regional human rights monitoring mechanisms unimpeded access to Crimea; and

(c) Continue advocacy for the respect of human rights, including by condemning human rights violations committed by State agents of the Russian Federation in Crimea at bilateral and multilateral forums.